S.B.CRIMINAL MISC. BAIL APPLICATION NO.4632/2007
(Paras vs. State of Rajasthan)

DATE OF ORDER : October 03, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.R.K.Charan, for the petitioner.
Mr.Vishal Raj Mehta, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that the petitioner is trading in Krishi Upaj Mandi, Pratapgarh under a valid licence of Krishi Upaj Mandi, Pratapgarh and the allegation against the petitioner is that he purchased the wheat which on police investigation was found to be issued to the contractor for distribution to the BPL persons. The petitioner has purchased the wheat for a valuable consideration in the Krishi Upaj Mandi and has not committed any offence.

On being asked to the learned Public Prosecutor as to how offences under sections 420 and 409 I.P.C. are made out, the learned Public Prosecutor has failed to show any document of cheating or committing criminal breach of trust being public servant. However, since the matter is at the investigation stage, without commenting on the merit of the case, having regard to the facts and circumstances of the case and having considered

the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Paras s/o Shanti Lal Pagaria Jain in FIR No.478/2007, Police Station, Pratapgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-